
Local Government Committee

HB 2619

Brief Description: Applying the best available science under the growth management act.

Sponsors: Representatives Schindler, Woods, Roach, Bailey, Kristiansen, Kretz, Nixon, Holmquist, Sump, Clements, Condotta, Orcutt, Rodne, Serben, Haler and Ahern.

Brief Summary of Bill

- Requires that counties and cities "consider" the best available science in developing policies and regulations to protect the functions and values of a critical area.
- Creates guidelines for use by local governments in determining the scientific basis that must be considered in the development of ordinances for the protection of critical areas.
- Finds that the requirement that best available science be considered in the development of a critical area ordinance is a procedural rather than a substantive requirement.

Hearing Date: 1/19/06

Staff: Thamas Osborn (786-7129).

Background:

Growth Management Act Planning Requirements.

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required or have chosen to comply with the major requirements of the GMA.

Critical Areas and Best Available Science.

In addition to other GMA requirements, all local governments must designate and protect critical areas. Critical areas are defined by statute to include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Each county and city must include the "best available science" in developing policies and development regulations to protect the functions and values of critical areas. The GMA does not define "best available science" (BAS).

Summary of Bill:

Counties and cities must "consider" the BAS in developing the policies and regulations to protect the functions and values of critical areas.

The process of developing a critical area ordinance must include consideration of science which is theoretically sound and otherwise meets the test for BAS, but need not be based upon a scientific approach or methodology that has been replicated in a physical context similar to the location of the critical area in question.

In the development of a critical area ordinance, a local government is not required to consider a scientific approach developed in an environmental context different than that of the local critical area if the local government finds that this scientific approach is not applicable to the pertinent local environmental conditions. This guideline remains applicable even if the scientific approach rejected by the local government is the only science available.

The consideration of BAS in the development of a critical areas ordinance is a procedural rather than a substantive requirement.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.